

## **REMARKS**

Claims 1-33 were pending in the application. Claims 1-3, 7-9, 13, 14, 19, 20, 24, 25, and 29 have been amended. Accordingly, Claims 1-33 remain pending in the application.

### **35 U.S.C. §101 Rejection**

Claims 7-12 and 24-28 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended independent claims 7 and 24 to overcome this rejection.

### **35 U.S.C. §102 Rejection**

Claims 1, 2, 4-8, 10-14, 16-19, 21-24, 26-29 and 31-33 stand rejected under 35 U.S.C. §102(e) as being anticipated by Beardsley. Applicant respectfully traverses this rejection.

1. Applicant respectfully submits that Beardsley fails to teach, “providing a central repository including data structures, said data structures comprising platforms, test suites, an execution test harness, and an installer” as recited by claim 1.

On page 3 of the pending Office Action, the Examiner contends that Beardsley teaches the above-referenced feature on page 3, paragraphs 32 and 36. Applicant respectfully disagrees.

Beardsley teaches:

The test component 202 may be provided, for example, on a server computer (e.g., the remote computer 180). Alternatively, the elements of the test component 202 may be distributed over a number of computers. Moreover, many of the elements of the test component 202 may be combined to form a single component, or the functions of the many components may be spread over multiple elements on the same machine or on multiple machines. (Beardsley, Paragraph

32).

The test component 202 includes an application programming interface (API) 220 for receiving the test packets 206, 208, 210. A database 222 is located in, or otherwise is associated with, the test component 202. The database 222 is preferably a relational database, and may be distributed over several machines. As an example, the database may utilize Microsoft Corporation's SQL Server technology, but other database products may be used. (Beardsley, Paragraph 36).

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added).

As noted above, Beardsley teaches that the test component 202 comprises a number of elements and that these elements may be implemented on a server computer or may be distributed over multiple computers. (Beardsley, Paragraph 32). Beardsley further teaches that the test component 202 includes an application programming interface 220 and a database 222. (Beardsley, Paragraph 36). However, Applicant submits that Beardsley fails to teach, “providing a central repository including data structures, said data structures comprising platforms, test suites, an execution test harness, and an installer” as recited by claim 1. In other words, Beardsley fails to teach that the test component 202 includes “data structures”, which comprise “platforms”, an execution test harness”, and “an installer” (see claim 1).

2. Additionally, Applicant respectfully submits that Beardsley fails to teach, “downloading said installer to a plurality of clients of said central repository” as recited by claim 1.

The Examiner contends that Beardsley teaches the above-referenced feature on page 3, paragraph 35. Applicant respectfully disagrees.

Beardsley teaches:

An example of the structure of a test packet 300 is shown in FIG. 3. The test packet 300 includes a header 302 having pre-processing information, such as a list of files that are to be copied onto a client machine 212 or 214 before testing begins. The test packet 300 further includes the test steps, or tasks 304, that are to be conducted (e.g., the command lines of the test), and footer information 306, such as information that specifies clean-up information for the tests. (Beardsley, Paragraph 35).

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added).

While Beardsley teaches that a test packet 300 includes “pre-processing information, such as a list of files that are to be copied onto a client machine 212 or 214 before testing begins”, “test steps, or tasks 304”, and “clean-up information”, Beardsley fails to teach, “downloading said installer to a plurality of clients of said central repository” as recited by claim 1. As defined in Applicant’s Specification, the installer creates an execution script for launching the test execution framework, and also creates local configuration files, at each pertinent client. (see Applicant’s Specification, Abstract; page 4, lines 1-3; page 7, lines 20-22; and page 9, lines 3-4).

3. Furthermore, Applicant respectfully submits that Beardsley fails to teach, “responsively to an execution of said installer in said clients, downloading and installing from said central repository selected ones of said platforms and said test suites to said clients for use by said clients in testing said computing products” as recited by claim 1.

The Examiner contends that Beardsley teaches the above-referenced feature on page 3, paragraph 33 and page 5, paragraph 48. Applicant respectfully disagrees.

Beardsley teaches:

Test conditions may be provided to the test component 202 in a number of different ways. In general, the test conditions are provided as tasks that a product developer client 204 would like to be performed in particular platform(s) and language(s). Hereinafter, for ease of discussion, a selected platform and language are referred to herein as a "group." In the embodiment shown in FIG. 2, each product developer client 204 provides a separate test packet 206, 208, 210 for each group on which the product developer wants a product tested. The separate test packet defines tasks that the product developer wants conducted on the product in that group. The number of test packets 206, 208, 210 generated is set by the product developer client 204, and, in the example shown, the product developer client 204<sub>1</sub> provides L test packets, the product developer client 204<sub>2</sub> provides M test packets, and the product developer client 204<sub>3</sub> provides N test packets. A product developer client 204 may provide only one test packet, or may provide several test packets, depending upon the scope of the testing desired. (Beardsley, Paragraph 33).

If a client computer 212, 214 is available, step 700 branches to step 702, where the test component 202 checks to see if the computer is usable. That is, the autolab component 230 determines whether the client computer includes a group and application that meets the requirements of a pending test packet. If not, the process branches back to step 700, where a check is made for other idle client computers 212, 214. If the client computer includes a group and application that meets the requirements of a pending test packet, then step 702 branches to step 704, where the client computer is assigned a test packet (FIG. 5). (Beardsley, Paragraph 47) (Emphasis added).

FIG. 8 shows a general overview of a process for configuring a test packet into a personalized test package for the available client computer 212, 214, and assigning the test package to the client computer, in accordance with one aspect of the present invention. Beginning at step 800, the autolab component 230 checks the state (e.g., what applications are loaded and what group and/or applications are presently imaged) of the client computer 212, 214. At step 802, a determination is made whether there are pending test packets that can be run on the client computer without the client computer reimaging. That is, whether the tasks of the test packet may be performed on the client computer 212, 214 using the existing group and applications that are imaged by the computer. If so, step 802 branches to step 804, where a personalized test package is built for the client, which may include, for example, preprocessing information and application commands. (Beardsley, Paragraph 48) (Emphasis added).

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481,

485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added)

As noted above, Beardsley teaches determining whether “the computer is usable”, that is, “whether the client computer includes a group and application that meets the requirements of a pending test packet.” If not, “a check is made for other idle client computers 212, 214.” Furthermore, in Paragraph 50, Beardsley teaches, “the client computer 212, 214 is not assigned a test packet” if the client computer “does not include a group and application that may be used.”

Beardsley, however, fails to teach, “responsively to an execution of said installer in said clients, downloading and installing from said central repository selected ones of said platforms and said test suites to said clients for use by said clients in testing said computing products” as recited by claim 1. As noted in Applicant’s Specification, “It is an advantage of the system that all necessary information is obtained from a single central location, without need for distributing local copies of the test harness or test suites, which could lead to loss of synchronization.” (see Applicant’s Specification, page 4, lines 9-13). Beardsley fails to teach downloading and installing from the test component 202 “selected ones of said platforms...for use by said clients in testing” (see claim 1). In fact, as noted above, Beardsley teaches that a client computer 212, 214 is not assigned a test packet if the client computer 212, 214 does not include a group (‘group’ is defined to mean a selected platform and language, see column 33 of Beardsley) and application that meets the requirements of pending test packets. Furthermore, Beardsley fails to teach performing the “downloading and installing” operation “responsively to an execution of said installer in said clients” as recited by claim 1.

In accordance, claim 1 is believed to patentably distinguish over Beardsley. Claims 2-6 are dependent upon claim 1 and are therefore believed to patentably distinguish over the cited reference for at least the same reasons.

Likewise, independent claims 7, 13, 19, 24, and 29 recite features similar to those highlighted above with regard to independent claim 1, and are therefore believed to patentably distinguish over the cited reference for at least the reasons given in the above paragraphs discussing claim 1. Claims 8-12 are dependent upon claim 7, claims 14-18 are dependent upon claim 13, claims 20-23 are dependent upon claim 19, claims 25-28 are dependent upon claim 24, and claims 30-33 are dependent upon claim 29. Therefore, claims 8-12, 14-18, 20-23, 25-28, and 30-33 are believed to patentably distinguish over the cited reference for at least the same reasons.

4. Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited reference. For instance:

5. Applicant submits that Beardsley fails to teach, “providing a platform editor for making a modification of any of said platforms, said test suites, and said execution test harness of said central repository, so that said modification is automatically applied to all of said clients using at least one of said platforms, said test suites, and said execution test harness” as recited by claim 2.

The Examiner contends that Beardsley teaches the above-referenced feature on page 3, paragraph 49. Applicant respectfully disagrees.

Beardsley teaches:

If there are not pending test packets that can be run on the client computer, then step 802 branches to step 806, where a determination is made whether there are pending test packets that may be run on the client computer 212, 214 with reimaging. That is, although the existing group may not be used, a determination is made whether the computer includes a group that may be used. Using such a group may require rebooting of the client computer 212, 214 to a different operating system and/or installation of software on which to run the tests. (Beardsley, Paragraph 49).

Beardsley teaches determining whether the client computer 212, 214 includes an alternative group that may be used for the pending text packet in the cases where the existing group does not meet the requirements of the pending text packet. If so, the use

of the alternative group may require rebooting of the client computer. However, Beardsley fails to teach, “providing a platform editor for making a modification of any of said platforms, said test suites, and said execution test harness of said central repository, so that said modification is automatically applied to all of said clients using at least one of said platforms, said test suites, and said execution test harness” as recited by claim 2. In other words, while Beardsley teaches checking whether client computer 212, 214 has a group that may be used with respect to the pending test packet, Beardsley fails to teach providing a “platform editor” for modifying “platforms”, “test suites”, and the “execution test hardness” of the test component 202, “so that said modification is automatically applied to all of said clients using at least one of said platforms, said test suites, and said execution test harness” (see claim 1).

In accordance, claim 2 is believed to patentably distinguish over Beardsley.

6. Applicant further submits that Beardsley fails to teach, “wherein said execution test harness is executed by said clients using binary files thereof residing on said central repository” as recited by claim 3.

The Examiner contends that Beardsley teaches the above-referenced feature on page 2, paragraph 22. Applicant respectfully disagrees.

Beardsley teaches:

The invention may be described in the general context of computer-executable instructions, such as program modules, being executed by a computer. Generally, program modules include routines, programs, objects, components, data structures, and so forth, which perform particular tasks or implement particular abstract data types. The invention may also be practiced in distributed computing environments where tasks are performed by remote processing devices that are linked through a communications network. In a distributed computing environment, program modules may be located in both local and remote computer storage media including memory storage devices. (Beardsley, Paragraph 22).

While Beardsley teaches computer-executable instructions, such as program modules, being executed by a computer, and notes that the invention may be

implemented in distributed computing environments, Beardsley fails to teach, “wherein said execution test harness is executed by said clients using binary files thereof residing on said central repository” as recited by claim 3. In other words, Beardsley fails to teach “binary files”, which are used by the clients to execute the “execution test harness”, are located in a central location, e.g., the “central repository”, rather than being located at the client computers. As noted in Applicant’s Specification, “The binaries themselves are located in only one place, the central repository 12. Centrally locating the binary files is highly advantageous, as only one instance of each binary file need be updated. Furthermore, each user is guaranteed to see the most current version of the framework. Because distribution of local copies of the binaries is avoided, users need not be concerned about having outdated software.” (see Applicant’s Specification, page 7, lines 22-29; and page 9, lines 5-6).

In accordance, claim 3 is believed to patentably distinguish over Beardsley.



## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-62401.

Respectfully submitted,



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